

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:07CR2
)	
v.)	
)	
PLASTRGLAS, INC.,)	PRELIMINARY ORDER
)	OF FORFEITURE
Defendant.)	
)	

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 21). The Court has reviewed the record in this case and finds as follows:

1. Defendant has entered into a Plea Agreement, whereby it has agreed to plead guilty to Count I and the forfeiture allegation of said Information. Count I charges the defendant with one count of encouraging and inducing an alien to enter or reside in the United States, in violation of Title 8 U.S.C. § 1324(a)(1)(A)(iii). The forfeiture allegation sought the forfeiture, pursuant to 18 U.S.C. § 982(a)(6)(A)(ii)(I), of \$45,000.00 in United States currency on the basis it was proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count I.

2. By virtue of said plea of guilty, the defendant forfeits its interest in the subject property, and the United States should be entitled to possession of said property, pursuant to 18 U.S.C. § 982(a)(6)(A)(ii)(I).

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the forfeiture allegation of the Information and the defendant's plea of guilty, the United States Immigration and Customs Enforcement for the District of Nebraska ("ICE") is hereby authorized to seize \$45,000.00 in United States currency.

C. Defendant's interest in said property is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 982(a)(6)(A)(ii)(I).

D. The aforementioned forfeited property is to be held by ICE in its secure custody and control.

E. Pursuant to 18 U.S.C. § 982(a)(6)(A)(ii)(I), ICE forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject property is situated, notice of this Order, notice of ICE's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject forfeited property must file a Petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent

of the Petitioner's right, title or interest in the subject property and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 982(a)(6)(A)(ii)(I), in which all interests will be addressed.

DATED this 16th day of May, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, SENIOR JUDGE
United States District Court